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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

KATHERINE ELIZABETH NEIMER,	: Docket No. 02-CV-4034
a minor, by and through JAMES J. NEIMER	:
and REBECCA NEIMER, her parents and	:
natural guardians,	:
Plaintiffs	:
	:
v.	:
	: Assigned to:
CITY OF LANCASTER, LANCASTER	: Honorable Clarence C. Newcomer
RECREATION COMMISSION, and	:
ISMAEL ALVAREZ,	: Jury Trial Demanded
Defendants	:

**MOTION TO COMPEL PRODUCTION OF DOCUMENTS
PURSUANT TO SUBPOENA**

The Plaintiffs, Katherine Elizabeth Neimer, James J. Neimer, and Rebecca Neimer, by and through their counsel, Barry W. Sawtelle, Esquire and Kozloff Stoudt, come now and move this Honorable Court for an order compelling production of certain documents and records in the custody of governmental agencies pursuant to subpoenas served upon the said governmental agencies, and as reasons therefor, Plaintiffs state as follows:

1. The above-captioned action is a claim for damages and other relief arising from incidents of sexual abuse perpetrated upon Plaintiff Katherine Elizabeth Neimer.

2. Plaintiffs have been advised that several governmental agencies conducted investigations of the incidents of sexual abuse, which investigations produced reports, statements, documents and other materials relevant to the issues in the present action.

3. On or about June 11, 2003, Plaintiffs caused subpoenas duces tecum to be served upon the following governmental agencies (hereinafter referred to collectively as the "Governmental Agencies") requesting records related to the incidents of sexual abuse and the investigations of the sexual abuse:

- a. Lancaster School District
- b. Lancaster County Children and Youth Services
- c. Lancaster City Police Department
- d. Pennsylvania Office of Children, Youth and Families

True and correct copies of the said subpoenas are attached hereto, marked Exhibit "A" and incorporated herein by reference.

4. Some of the Governmental Agencies have advised Plaintiffs' counsel that their ability to comply with the subpoenas is constrained by provisions of various Pennsylvania statutes. Copies of correspondence received by Plaintiffs' counsel is attached hereto, marked Exhibit "B" and incorporated herein by reference.

5. The documents and records requested in the subpoenas are relevant to the issues in the pending litigation and reasonably calculated to lead to relevant and admissible evidence.

WHEREFORE, Plaintiffs request this court enter an order in the proposed form filed herewith directing the Governmental Agencies to comply with the subpoenas, subject to

the restrictions contained in the order.

KOZLOFF STOUDT

/s/

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Attorneys for Plaintiffs

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NOTICE AND CERTIFICATE OF SERVICE

I, Barry W. Sawtelle, Esquire, attorney for Plaintiff, certify that on June 19, 2003, that I electronically filed the foregoing *Motion to Compel Production of Documents Pursuant to Subpoena and Order* via the ECF system and it is available for viewing and downloading from the ECF system. I further certify that the foregoing *Entry of Appearance* was served upon the following party by first class mail:

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/s/_____
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